Coroners Act 1988

1988 CHAPTER 13

An Act to consolidate the Coroners Acts 1887 to 1980 and certain related enactments, with amendments to give effect to recommendations of the Law Commission. [10th May 1988]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Annotations:

Modifications etc. (not altering text)

C1 Act amended (24.9.1997) by 1996 c. 24, **s. 7(3)**; S.I. 1997/1977, **art. 2**

C2 Act restricted (*temp.* from 19.7.1996 to 31.3.1998) by S.I. 1996/1867, **art. 4(2)(d)**

C3 By Criminal Justice Act 1991 (c.53, SIF 39:1), s. 101(1), **Sch. 12 para. 23**; S.I. 1991/2208, art. 2(1), **Sch. 1** it is provided (14.10.1991) that in relation to any time before the commencement of s.70 of that 1991 Act (which came into force on 1.10.1992 by S.I. 1992/333, art. 2(2), **Sch. 2**) references in any enactment amended by that 1991 Act, to youth courts shall be construed as references to juvenile courts.

Commencement Information

I1 Act wholly in force at 10.7.1988 see s. 37(2)

Coroners

1 Appointment of coroners.

[[F1](1) Coroners shall be appointed—

(a) for each coroner's district in a metropolitan county, **[**[F2]in a special non-metropolitan county or in**]** Greater London or Wales;

Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to Coroners Act 1988. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

(b) for each coroner's district constituted by an order under section 17 of the Local Government Act 1992 which lies partly in each of two or more non-metropolitan counties;

(c) for each non-metropolitan county in England **[**[F3], other than a special non-metropolitan county,**]** none of which is included in such a coroner's district as is mentioned in paragraph (b) above;

(d) in the case of a non-metropolitan county in England part of which is included in such a coroner's district as is mentioned in paragraph (b) above, for so much of that county as is not so included; and

(e) for the City.

(1A) Coroners shall be appointed by the relevant council, that is to say—

(a) in the case of a coroner's district consisting of or included in a metropolitan district **[**[F4], special non-metropolitan district**]** or London borough, the council of that district or borough;

(b) in the case of a coroner's district consisting of two or more metropolitan districts **[**[F5], special non-metropolitan districts**]** or London boroughs, such one of the councils of those districts or boroughs as may be designated by an order made by the Secretary of State by statutory instrument;

(c) in the case of a coroner's district consisting of or included in a Welsh principal area, the council of that area;

(d) in the case of a coroner's district lying partly in each of two or more Welsh principal areas, such one of the councils of those areas as may be designated by an order made by the Secretary of State by statutory instrument;

(e) in a case falling within subsection (1)(b) above, such one of the councils of the non-metropolitan counties in question as may be designated by an order under section 17 of the Local Government Act 1992;

(f) in a case falling within subsection (1)(c) or (d) above, the council of the non-metropolitan county in question; and

(g) in the case of the City, the Common Council.**]**

(2) A relevant council falling within paragraph (a) or (b) of **[**[F6]subsection (1A)**]** above shall not appoint a coroner except with the approval of the Secretary of State; and a relevant council falling within paragraph (b) **[**[F7](d) or (e)**]** of that subsection shall not appoint a coroner except after consultation with the other council or councils in question.

(3) Subject to subsection (2) above, where a vacancy occurs in the office of coroner, the relevant council shall—

(a) immediately give notice of the vacancy to the Secretary of State;

(b) within three months of the vacancy occurring or within such further period as the Secretary of State may allow, appoint a person to that office; and

(c) immediately after making the appointment, give notice of the appointment to the Secretary of State.

Annotations:

Amendments (Textual)

F1 S.1(1)(1A) substituted (1.4.1996) for s. 1(1) by S.I. 1996/655, **reg. 2(2)**

F2 Words in s. 1(1)(a) inserted (1.4.1998) by S.I. 1998/465, **reg. 2(2)**

F3 Words in s. 1(1)(c) inserted (1.4.1998) by S.I. 1998/465, **reg. 2(3)**

F4 Words in s. 1(1A)(a) inserted (1.4.1998) by S.I. 1998/465, **reg. 2(4)**

F5 Words in s. 1(1A)(b) inserted (1.4.1998) by S.I. 1998/465, **reg. 2(5)**
F6 Words in s. 1(2) substituted (1.4.1996) by S.I. 1996/655, **reg. 2(3)**
F7 Words in s. 1(2) substituted (1.4.1996) by S.I. 1996/655, **reg. 2(3)**

2 Qualifications for appointment as coroner.

(1) No person shall be qualified to be appointed as coroner **[**[F8]unless—

(a) he has a 5 year general qualification, within the meaning of section 71 of the Courts and Legal Services Act 1990; or

(b) he is a**]** legally qualified medical practitioner of not less than five years' standing . . . [F9].

(2) A person shall, so long as he is a councillor of a metropolitan district **[**[F10], special non-metropolitan district**]** or London borough, and for six months after he ceases to be one, be disqualified for being a coroner for a coroner's district which consists of, includes or is included in that metropolitan district **[**[F10], special non-metropolitan district**]** or London borough.

[[F11](2A) A person shall, so long as he is a councillor of a Welsh principal area, and for six months after he ceases to be one, be disqualified for being a coroner for a coroner's district which, or any part of which, falls within that area.**]**

(3) A person shall, so long as he is an alderman or a councillor of a non-metropolitan county **[**[F12]in England**]**, and for six months after he ceases to be one, be disqualified

[[F13](a) in the case of a county none of which is included in such a coroner's district as is mentioned in section 1(1)(b) above, for being a coroner for that county;

(b) in the case of a county the whole or part of which is included in such a coroner's district as is mentioned in section 1(1)(b) above, for being a coroner for that coroner's district and for so much of that county (if any) as is not so included.**]**

(4) A person shall, so long as he is an alderman of the City or a common councillor, and for six months after he ceases to be one, be disqualified for being a coroner for the City.

Annotations:

Amendments (Textual)

F8 Words substituted by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 71(2), **Sch. 10 para. 70**
F9 Words repealed by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 125(7), **Sch. 20**
F10 Words in s. 2(2) inserted (1.4.1998) by S.I. 1998/465, **reg. 2(6)**
F11 S. 2(2A) inserted (from 3.4.1995 to 1.4.1996 for specified purposes only and thereafter wholly in force) by 1994 c. 19, s. 66(6), **Sch. 16 para. 82(3)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/852, art. 9(1)(4), **Sch. 5** (with art. 9(5))
F12 Words in s. 2(3) inserted (from 3.4.1995 to 1.4.1996 for specified purposes only and thereafter wholly in force) by 1994 c. 19, s. 66(6), **Sch. 16 para. 82(3)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/852, art. 9(1)(4), **Sch. 5** (with art. 9(5))
F13 Words in s. 2(3) substituted (1.4.1996) by S.I. 1996/655, **reg. 2(4)**

Modifications etc. (not altering text)

C4 S. 2(2)(3) extended (E.) (6.5.2002) by S.I. 2002/975, **reg. 2(a)**

Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to Coroners Act 1988. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

3 Terms on which coroners hold office.

(1) The provisions of Schedule 1 to this Act shall have effect with respect to the payment of salaries and the grant of pensions to coroners.

(2) Except as authorised by this or any other Act, a coroner shall not take any fee or remuneration in respect of anything done by him in the execution of his office.

(3) A coroner may resign his office by giving notice in writing to the relevant council, but the resignation shall not take effect unless and until it is accepted by that council.

(4) The Lord Chancellor may, if he thinks fit, remove any coroner from office for inability or misbehaviour in the discharge of his duty.

(5) A coroner who is guilty of corruption, wilful neglect of his duty or misbehaviour in the discharge of his duty shall be guilty of an offence and liable on conviction on indictment to imprisonment for a term not exceeding two years or to a fine or to both.

(6) Where a coroner is convicted of an offence under subsection (5) above, the court may, unless his office as coroner is annexed to any other office, order that he be removed from office and be disqualified for acting as coroner.

4 Coroners' districts.

(1) The Secretary of State may by order divide, amalgamate or otherwise alter the coroners' districts for the time being existing in a metropolitan county **[**[F14], special non-metropolitan county**]** or Greater London; and before making any such order, the Secretary of State shall consult the councils and coroners appearing to him to be affected by the order and such other persons as he thinks appropriate.

(2) The council of a non-metropolitan county **[**[F15]in England**]** may, and shall if directed to do so by the Secretary of State, after complying with such requirements as to notice and consideration of objections as may be prescribed, submit to the Secretary of State a draft order providing—

(a) for such alteration of any existing division of the county into coroners' districts as appears to them suitable; or

(b) where there is no such division, for the division of the county into such coroners' districts as they think expedient;

and the Secretary of State, after taking into consideration any objections to the draft made in the prescribed manner and within the prescribed time, may make the order, either in the terms of the draft submitted to him or with such modifications as he thinks fit.

(3) If by reason of any order under subsection (2) above it is in the opinion of the Secretary of State necessary that the number of coroners for a non-metropolitan county should be increased,

(a) the council shall appoint such number of additional coroners for that county as the Secretary of State may direct; and

(b) section 1(3) above shall apply with respect to any such appointment as if a vacancy had occurred in the office of coroner for that county.

(4) Where a non-metropolitan county **[**[F15]in England**]** is divided into coroners' districts, each of the coroners for that county shall be assigned to one of those districts; and where a non-metropolitan county is not so divided, the following provisions of this Act shall have effect as if the whole of that county were a coroner's district.

***Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to Coroners Act 1988. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

(5) Except as provided by this Act, a coroner appointed for or assigned to a coroner's district—

(a) shall for all purposes be regarded as a coroner for the whole administrative area **[**[F16]in England**]** which includes that district; and

(b) shall have the same jurisdiction, rights, powers and authorities throughout that area as if he had been appointed as coroner for that area or, as the case may be, had not been assigned to that district.

[[F17](5A) Subsections (2) to (5) above shall not apply to a non-metropolitan county the whole of which is included in such a coroner's district as is mentioned in section 1(1)(b) above **[**[F18]or a special non-metropolitan county**]**.

(5B) In the application of this section to a non-metropolitan county part of which is included in such a coroner's district as is mentioned in section 1(1)(b) above, any reference in subsections (2)(a) and (b), (3) and (4) to a county shall be construed as a reference to so much of that county as is not so included.**]**

(6) The power to make orders under this section shall be exercisable by statutory instrument; and a statutory instrument containing an order under this section shall be laid before each House of Parliament after being made.

(7) An order under subsection (2) above shall be published in the London Gazette and particulars of any order under that subsection shall be published by the council of the non-metropolitan county in such manner as may be prescribed.

(8) In this section "prescribed" means prescribed by the Secretary of State either by general rules made by statutory instrument or by directions given as respects any particular occasion.

Annotations:

Amendments (Textual)

F14 Words in s. 4(1) inserted (1.4.1998) by S.I. 1998/465, **reg. 2(7)**

F15 Words in s. 4(2) and (4) inserted (3.4.1995) by 1994 c. 19, s. 66(6), **Sch. 16 para. 82(4)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/852, art. 9(1), **Sch. 5** (with art. 9(5))

F16 Words in s. 4(5)(a) inserted (3.4.1995) by 1994 c. 19, s. 66(6), **Sch. 16 para. 82(4)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/852, art. 9(1), **Sch. 5** (with art. 9(5))

F17 S. 4(5A)(5B) inserted (1.4.1996) by S.I. 1996/655, **reg. 2(5)**

F18 Words in s. 4(5A) inserted (1.4.1998) by S.I. 1998/465, **reg. 2(8)**

[4A [F19]Coroners' districts: Wales.

(1) The Secretary of State may by order divide, amalgamate or otherwise alter—

(a) any coroner's district for the time being existing in Wales; or

(b) any such coroners' districts.

(2) Before making any order under subsection (1) above, the Secretary of State shall consult the councils and coroners appearing to him to be affected by the order and such other persons as he thinks appropriate.

(3) The Secretary of State may, in relation to any area in Wales (the "review area"), direct the council or councils for each Welsh principal area which, or any part of which, falls within the review area to consider any of the following questions—

Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to Coroners Act 1988. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

(a) whether any alteration should be made in a boundary between coroners' districts which falls within the review area;

(b) whether a new coroner's district should be created for the whole or any part of the review area;

(c) whether a coroner's district which falls wholly within the review area should be abolished.

(4) The council or councils to whom such a direction is given shall submit their conclusions to the Secretary of State, together with a statement of their reasons for reaching those conclusions.

(5) In making an order under subsection (1) above in a case where he has given a direction under subsection (3) above, the Secretary of State shall have regard to any proposals made to him under subsection (4) above.

(6) Where the Secretary of State intends to give effect to any such proposals without modification, subsection (2) above shall not require him to consult the council or councils who made those proposals.

(7) An order made under subsection (1) above may make such incidental, consequential, transitional or supplemental provision as appears to the Secretary of State to be appropriate.

(8) Except as provided by this Act, a coroner appointed for any coroner's district in Wales —

(a) shall for all purposes be regarded as a coroner for the whole of Wales; and

(b) shall have the same jurisdiction, rights, powers and authorities throughout Wales as if he had been appointed as coroner for the whole of Wales.

(9) The power to make orders under this section shall be exercisable by statutory instrument.

(10) Any such statutory instrument shall be laid before each House of Parliament after being made.**]**

Annotations:

Amendments (Textual)

F19 S.4A inserted (3.4.1995 in respect of the insertion of s. 4A(1)(2)(7)(9)(10) and 1.4.1996 otherwise) by 1994 c. 19, s. 66(6), **Sch. 16 para. 82(5)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/852, art. 9(1), **Sch. 5**; S.I. 1996/396, art. 4, **Sch. 2**

Modifications etc. (not altering text)

C5 S.4A restricted (3.4.1995) by 1994 c. 19, s. 66(7), **Sch. 17 Pt. II para. 23(5)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/852, art. 9(1), **Sch. 5**

5 Jurisdiction of coroners.

(1) Subject to subsection (3) and sections 7 and 13 to 15 below, an inquest into a death shall be held only by the coroner within whose district the body lies.

(2) Subject to subsection (3) and section 13 below, a coroner shall hold inquests only within his district.

***Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to Coroners Act 1988. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

(3) A coroner may act as coroner for another district in the same administrative area—

(a) during the illness, incapacity or unavoidable absence of the coroner for that district; or

(b) where there is a vacancy in the office of coroner for that district;

and the inquisition returned in respect of an inquest held under this subsection shall certify the cause of the coroner's holding the inquest and shall be conclusive evidence of any matter stated in it which falls within paragraph (a) or (b) above.

Deputy coroners

6 Appointment of deputy coroners.

(1) Every coroner—

(a) shall appoint as his deputy a person approved by the chairman of the relevant council; and

(b) may appoint as his assistant deputy a person so approved.

(2) A coroner may at any time revoke an appointment made under subsection (1) above; but a revocation of an appointment made under paragraph (a) of that subsection shall not take effect until the appointment of a successor to the deputy has been approved by the chairman of the relevant council.

(3) The following, namely—

(a) every appointment made under subsection (1) above; and

(b) every revocation of an appointment made under paragraph (b) of that subsection,

shall be in writing under the hand of the coroner; and a copy of every such appointment or revocation shall be sent to the relevant council and be kept with the council's records.

(4) Subsection (1) of section 2 above shall apply in relation to the office of deputy or assistant deputy coroner as it applies in relation to the office of coroner; and subsections (2) to (4) of that section shall apply in relation to, or to persons holding, the office of deputy coroner as they apply in relation to, or to persons holding, the office of coroner.

(5) In this section "chairman", in relation to the Common Council, means the Lord Mayor.

7 Functions of deputy coroners.

(1) A deputy coroner may act for his coroner in the following cases but no others, namely —

(a) during the illness of the coroner;

(b) during the coroner's absence for any lawful or reasonable cause; or

(c) at an inquest for the holding of which the coroner is disqualified.

(2) Where a coroner vacates office, his deputy—

(a) shall continue in office until a new deputy is appointed;

(b) shall act as coroner while the office remains vacant; and

Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to Coroners Act 1988. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

(c) shall be entitled to receive in respect of the period of the vacancy the same remuneration as the vacating coroner.

(3) An assistant deputy coroner—

(a) may act as coroner where the deputy coroner would be entitled to act as coroner but is unable so to act owing to illness or absence for any reasonable cause; and

(b) where the coroner vacates office, may act for the deputy coroner in like manner while the office of coroner is vacant.

(4) In relation to an inquest or act which he is authorised to hold or to do, a deputy or assistant deputy to a coroner shall—

(a) have the same jurisdiction and powers;

(b) be subject to the same obligations, liabilities and disqualifications; and

(c) generally be subject to the provisions of this Act and the law relating to coroners in the same manner,

as if he were the coroner.

Inquests: general

8 Duty to hold inquest.

(1) Where a coroner is informed that the body of a person ("the deceased") is lying within his district and there is reasonable cause to suspect that the deceased—

(a) has died a violent or an unnatural death;

(b) has died a sudden death of which the cause is unknown; or

(c) has died in prison or in such a place or in such circumstances as to require an inquest under any other Act,

then, whether the cause of death arose within his district or not, the coroner shall as soon as practicable hold an inquest into the death of the deceased either with or, subject to subsection (3) below, without a jury.

(2) In the case of an inquest with a jury—

(a) the coroner shall summon by warrant not less than seven nor more than eleven persons to appear before him at a specified time and place, there to inquire as jurors into the death of the deceased; and

(b) when not less than seven jurors are assembled, they shall be sworn by or before the coroner diligently to inquire into the death of the deceased and to give a true verdict according to the evidence.

(3) If it appears to a coroner, either before he proceeds to hold an inquest or in the course of an inquest begun without a jury, that there is reason to suspect—

(a) that the death occured in prison or in such a place or in such circumstances as to require an inquest under any other Act;

(b) that the death occurred while the deceased was in police custody, or resulted from an injury caused by a police officer in the purported execution of his duty;

(c) that the death was caused by an accident, poisoning or disease notice of which is required to be given under any Act to a government department, to any inspector or other officer of a government department or to an inspector

Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to Coroners Act 1988. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

appointed under section 19 of the [M1]Health and Safety at Work etc. Act 1974; or

(d) that the death occurred in circumstances the continuance or possible recurrence of which is prejudicial to the health or safety of the public or any section of the public,

he shall proceed to summon a jury in the manner required by subsection (2) above.

(4) If it appears to a coroner, **[**[F20]before he proceeds to hold an inquest, on resuming an inquest begun with a jury after the inquest has been adjourned and the jury discharged**]** or in the course of an inquest begun without a jury, that there is any reason for summoning a jury, he may proceed to summon a jury in the manner required by subsection (2) above.

(5) In the case of an inquest or any part of an inquest held without a jury, anything done by or before the coroner alone shall be as validly done as if it had been done by or before the coroner and a jury.

(6) Where an inquest is held into the death of a prisoner who dies within a prison, neither a prisoner in the prison nor any person engaged in any sort of trade or dealing with the prison shall serve as a juror at the inquest.

Annotations:

Amendments (Textual)

F20 Words in s. 8(4) substituted (1.1.2000) by 1999 c. 22, **s. 71(2)** (with s. 107, Sch. 14 para. 7(2)); S.I. 1999/3344, **art. 2(b)**

Marginal Citations

M1 1974 c.37.

9 Qualifications of jurors.

(1) A person shall not be qualified to serve as a juror at an inquest held by a coroner unless he is for the time being qualified to serve as a juror in the Crown Court, the High Court and county courts in accordance with section 1 of the [M2]Juries Act 1974.

(2) If a person serves on a jury knowing that he is ineligible for such service under Group A, B or C in Part I of Schedule 1 to that Act, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) If a person serves on a jury knowing that he is disqualified for such service under Part II of that Schedule, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(4) The appropriate officer may at any time put or cause to be put to any person who is summoned under section 8 above such questions as he thinks fit in order to establish whether or not the person is qualified to serve as a juror at an inquest.

(5) Where a question is put to any person under subsection (4) above, if that person—

(a) refuses without reasonable excuse to answer;

(b) gives an answer which he knows to be false in a material particular; or

(c) recklessly gives an answer which is false in a material particular,

Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to Coroners Act 1988. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(6) If any person—

(a) duly summoned as a juror at an inquest makes, or causes or permits to be made on his behalf, any false representation to the coroner or the appropriate officer with the intention of evading service as such juror; or

(b) makes or causes to be made on behalf of another person who has been so summoned any false representation to the coroner or the appropriate officer with the intention of enabling that other person to evade such service,

he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(7) A coroner may authorise a person to perform the functions conferred on the appropriate officer by subsection (4) above and references in this section to the appropriate officer shall be construed as references to the person so authorised.

Annotations:

Marginal Citations

M2 1974 c.23.

10 Attendance of jurors and witnesses.

(1) Where a person duly summoned as a juror at an inquest—

(a) does not, after being openly called three times, appear to the summons; or

(b) appears to the summons but refuses without reasonable excuse to serve as a juror,

the coroner may impose on that person a fine not exceeding **[**[F21]£1,000**]**.

(2) Where a person duly summoned to give evidence at an inquest—

(a) does not, after being openly called three times, appear to the summons; or

(b) appears to the summons but refuses without lawful excuse to answer a question put to him,

the coroner may impose on that person a fine not exceeding **[**£1,000**]**.

(3) The powers conferred upon a coroner by this section shall be in addition to and not in derogation of any other power which the coroner may possess—

(a) for compelling any person to appear and give evidence before him in any inquest or other proceeding; or

(b) for punishing any person for contempt of court in not so appearing and giving evidence;

but a person shall not be fined by the coroner under this section and also be punished under any such other power.

(4) Notwithstanding anything in the foregoing provisions of this section, a juror shall not be liable to any penalty for non-attendance on a coroner's jury unless the summons requiring him to attend was duly served on him no later than six days before the day on which he was required to attend.

Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to Coroners Act 1988. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

Annotations:

Amendments (Textual)

F21 Words in s. 10(1)(2) substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 17(3), **Sch. 4 Pt. I** (with s. 28); S.I. 1992/333, art. 2(2), **Sch. 2**.

Modifications etc. (not altering text)

C6 S. 10(1)(2): power to amend conferred (1.10.1992) by Magistrates' Courts Act 1980 (c. 43, SIF 82), s. 143, **Sch. 6A** (as substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 17(3), **Sch. 4 Pt. IV** (with s. 28)); S.I. 1992/333, art. 2(2), **Sch. 2**.

11 Proceedings at inquest.

(1) It shall not be obligatory for a coroner holding an inquest into a death to view the body; and the validity of such an inquest shall not be questioned in any court on the ground that the coroner did not view the body.

(2) The coroner shall, at the first sitting of the inquest, examine on oath concerning the death all persons who tender evidence as to the facts of the death and all persons having knowledge of those facts whom he considers it expedient to examine.

(3) In the case of an inquest held with a jury, the jury shall, after hearing the evidence—
- (a) give their verdict and certify it by an inquisition; and
- (b) inquire of and find the particulars for the time being required by the [M3]Births and Deaths Registration Act 1953 (in this Act referred to as "the 1953 Act") to be registered concerning the death.

(4) In the case of an inquest held without a jury, the coroner shall, after hearing the evidence—
- (a) give his verdict and certify it by an inquisition; and
- (b) inquire of and find the particulars for the time being required by the 1953 Act to be registered concerning the death.

(5) An inquisition—
- (a) shall be in writing under the hand of the coroner and, in the case of an inquest held with a jury, under the hands of the jurors who concur in the verdict;
- (b) shall set out, so far as such particulars have been proved—
  - (i) who the deceased was; and
  - (ii) how, when and where the deceased came by his death; and
- (c) shall be in such form as the Lord Chancellor may by rules made by statutory instrument from time to time prescribe.

(6) At a coroner's inquest into the death of a person who came by his death by murder, manslaughter or infanticide, the purpose of the proceedings shall not include the finding of any person guilty of the murder, manslaughter or infanticide; and accordingly a coroner's inquisition shall in no case charge a person with any of those offences.

(7) Where an inquest into a death is held, the coroner shall, within five days after the finding of the inquest is given, send to the registrar of deaths a certificate under his hand—
- (a) giving information concerning the death;

Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to Coroners Act 1988. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

(b) specifying the finding with respect to the particulars which under the 1953 Act are required to be registered concerning the death and with respect to the cause of death; and

(c) specifying the time and place at which the inquest was held.

(8) In the case of an inquest into the death of a person who is proved—

(a) to have been killed on a railway; or

(b) to have died in consequence of injuries received on a railway,

the coroner shall within seven days after holding the inquest, make a return of the death, including the cause of death, to the Secretary of State in such form as he may require; and in this subsection "railway" has the same meaning as in the [M4]Railway Regulation Act 1842.

Annotations:

Marginal Citations

M3 1953 c.20.

M4 1842 c.55.

12 Failure of jury to agree.

(1) This section applies where, in the case of an inquest held with a jury, the jury fails to agree on a verdict.

(2) If the minority consists of not more than two, the coroner may accept the verdict of the majority, and the majority shall, in that case, certify the verdict under section 11(3) above.

(3) In any other case of disagreement the coroner may discharge the jury and issue a warrant for summoning another jury and, in that case, the inquest shall proceed in all respects as if the proceedings which terminated in the disagreement had not taken place.

Inquests: special cases

13 Order to hold inquest.

(1) This section applies where, on an application by or under the authority of the Attorney-General, the High Court is satisfied as respects a coroner ("the coroner concerned") either—

(a) that he refuses or neglects to hold an inquest which ought to be held; or

(b) where an inquest has been held by him, that (whether by reason of fraud, rejection of evidence, irregularity of proceedings, insufficiency of inquiry, the discovery of new facts or evidence or otherwise) it is necessary or desirable in the interests of justice that another inquest should be held.

(2) The High Court may—

(a) order an inquest or, as the case may be, another inquest to be held into the death either—

(i) by the coroner concerned; or

(ii) by the coroner for another district in the same administrative area;

Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to Coroners Act 1988. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

(b) order the coroner concerned to pay such costs of and incidental to the application as to the court may appear just; and

(c) where an inquest has been held, quash the inquisition on that inquest.

(3) In relation to an inquest held under subsection (2)(a)(ii) above, the coroner by whom it is held shall be treated for the purposes of this Act as if he were the coroner for the district of the coroner concerned.

14 Inquest out of jurisdiction.

(1) If it appears to a coroner that, in the case of a body lying within his district, an inquest ought to be held into the death but it is expedient that the inquest should be held by some other coroner, he may request that coroner to assume jurisdiction to hold the inquest; and if that coroner agrees he, and not the coroner within whose district the body is lying, shall have jurisdiction to hold the inquest.

(2) If the coroner who has been requested to assume jurisdiction declines to assume it, the coroner who has made the request may apply to the Secretary of State for a direction designating the coroner who is to hold the inquest.

(3) On the making of an application under subsection (2) above, the Secretary of State—

(a) shall determine by which coroner (whether one of the two mentioned in that subsection or another) the inquest should in all the circumstances be held; and

(b) shall direct him to assume jurisdiction or, as the case may be, to exercise his jurisdiction to hold the inquest;

and where a direction is given under this subsection directing a coroner to assume jurisdiction, he, and not the coroner within whose district the body is lying, shall have jurisdiction to hold the inquest and shall hold it accordingly.

(4) Where jurisdiction to hold an inquest is assumed under this section, it shall not be necessary to remove the body into the district of the coroner who is to hold the inquest.

(5) Any request made or agreement given, any application for a direction and any direction under any of the foregoing provisions of this section shall be made or given in writing.

(6) Notice of the making of an application under subsection (2) above shall be given to the coroner who declined to assume jurisdiction and notice of the direction given pursuant to such an application shall be given—

(a) in a case where the direction is given to the coroner who made the application or the coroner who had notice of it, to the other coroner; and

(b) in a case where the direction is given to some other coroner, to the coroner who made the application and to the coroner who had notice of it.

(7) On the assumption by a coroner of jurisdiction to hold an inquest under this section, the coroner—

(a) shall also assume, in relation to the body and the inquest, all the powers and duties which would belong to him if the body were lying within his district (including the power to order its exhumation under section 23 below); and

(b) may exercise those powers notwithstanding that the body remains outside his district or, having been removed into it, is removed out of it by virtue of any order of his for its examination or burial.

(8) On the assumption of the powers and duties referred to in subsection (7) above by the coroner who assumes jurisdiction to hold the inquest, the coroner within whose

Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to Coroners Act 1988. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

district the body is lying shall cease to have any powers or duties in relation to the body or the inquest, notwithstanding that the body remains within his district or comes to be buried there.

(9) It shall be for the coroner who assumes, and not for the coroner who ceases to have, jurisdiction to hold an inquest under this section to pay any fees or other expenses incurred in the course of his duties by the latter coroner before he ceased to have jurisdiction; and any such fees or other expenses shall be accounted for and repaid accordingly.

15 Inquest where body destroyed or irrecoverable.

(1) Where a coroner has reason to believe—

(a) that a death has occurred in or near his district in such circumstances that an inquest ought to be held; and

(b) that owing to the destruction of the body by fire or otherwise, or to the fact that the body is lying in a place from which it cannot be recovered, an inquest cannot be held except in pursuance of this section,

he may report the facts to the Secretary of State.

(2) Where a report is made under subsection (1) above, the Secretary of State may, if he considers it desirable to do so, direct a coroner (whether the coroner making the report or another) to hold an inquest into the death.

(3) Where a coroner is directed under this section to hold an inquest, the provisions of this Act and the law relating to coroners and coroners' inquests shall apply with such modifications as may be necessary in consequence of the inquest being one into the death of a person whose body does not lie within the coroner's district.

16 Adjournment of inquest in [[F22]event of criminal proceedings].

(1) If on an inquest into a death the coroner before the conclusion of the inquest—

(a) is informed by the **[**[F23]justices' chief executive for**]** a magistrates' court under section 17(1) below that some person has been charged before a magistrates' court with—

(i) the murder, manslaughter or infanticide of the deceased;

(ii) an offence under **[**[F24]section 1 or 3A of the Road Traffic Act 1988 (dangerous driving or careless driving when under the influence of drink or drugs)**]** committed by causing the death of the deceased; or

(iii) an offence under section 2(1) of the [M5]Suicide Act 1961 consisting of aiding, abetting, counselling or procuring the suicide of the deceased; or

(b) is informed by the Director of Public Prosecutions that some person has been charged before examining justices with an offence (whether or not involving the death of a person other than the deceased) alleged to have been committed in circumstances connected with the death of the deceased, not being an offence within paragraph (a) above, and is requested by the Director to adjourn the inquest,

then, subject to subsection (2) below, the coroner shall, in the absence of reason to the contrary, adjourn the inquest until after the conclusion of the relevant criminal proceedings and, if a jury has been summoned, may, if he thinks fit, discharge them.

(2) The coroner—

(a) need not adjourn the inquest in a case within subsection (1)(a) above if, before he has done so, the Director of Public Prosecutions notifies him that adjournment is unnecessary; and

(b) may in any case resume the adjourned inquest before the conclusion of the relevant criminal proceedings if notified by the Director that it is open to him to do so.

(3) After the conclusion of the relevant criminal proceedings, or on being notified under paragraph (b) of subsection (2) above before their conclusion, the coroner may, subject to the following provisions of this section, resume the adjourned inquest if in his opinion there is sufficient cause to do so.

(4) Where a coroner adjourns an inquest in compliance with subsection (1) above, he shall send to the registrar of deaths a certificate under his hand stating, so far as they have been ascertained at the date of the certificate, the particulars which under the 1953 Act are required to be registered concerning the death.

(5) Where a coroner does not resume an inquest which he has adjourned in compliance with subsection (1) above, he shall (without prejudice to subsection (4) above) send to the registrar of deaths a certificate under his hand stating the result of the relevant criminal proceedings.

(6) Where a coroner resumes an inquest which has been adjourned in compliance with subsection (1) above and for that purpose summons a jury (but not where he resumes without a jury, or with the same jury as before the adjournment)—

(a) he shall proceed in all respects as if the inquest had not previously been begun; and

(b) subject to subsection (7) below, the provisions of this Act shall apply accordingly as if the resumed inquest were a fresh inquest.

(7) Where a coroner resumes an inquest which has been adjourned in compliance with subsection (1) above—

(a) the finding of the inquest as to the cause of death must not be inconsistent with the outcome of the relevant criminal proceedings;

(b) the coroner shall supply to the registrar of deaths after the termination of the inquest a certificate under his hand stating the result of the relevant criminal proceedings; and

(c) the provisions of section 11(7) above shall not apply in relation to that inquest.

(8) In this section "the relevant criminal proceedings" means the proceedings before examining justices and before any court to which the person charged is committed for trial.

Annotations:

Amendments (Textual)

F22 S. 16: words in side note substituted (1.1.2000) by 1999 c. 22, **s. 71(3)** (with s. 107, Sch. 14 para. 7(2)); S.I. 1999/3344, **art. 2(b)**

F23 Words in s. 16(1)(a) substituted (1.4.2001) by 1999 c. 22, s. 90, **Sch. 13 para. 135** (with s. 107, Sch. 14 para. 2); S.I. 2001/916, **art. 2(a)(ii)** (with transitional provisions and savings in Sch. 2 para. 2)

F24 Words in s. 16(1)(a)(ii) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 40**; S.I. 1992/1286, art. 2, **Sch.**

Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to Coroners Act 1988. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

Marginal Citations

M5 1961 c.60.

17 Provisions supplementary to section 16.

(1) Where a person is charged before a magistrates' court with—

(a) murder, manslaughter or infanticide;

(b) an offence under **[**[F25]section 1 or 3A of the Road Traffic Act 1988 (dangerous driving or careless driving when under the influence of drink or drugs)**]**; or

(c) an offence under section 2(1) of the [M6]Suicide Act 1961 consisting of aiding, abetting, counselling or procuring the suicide of another,

the **[**[F26]justices' chief executive for**]** the court shall inform the coroner who is responsible for holding an inquest into the death of the making of the charge and of the result of the proceedings before that court.

(2) Where a person charged with—

(a) murder, manslaughter or infanticide;

(b) an offence under **[**[F27]section 1 or 3A of the Road Traffic Act 1988 (dangerous driving or careless driving when under the influence of drink or drugs)**]**; or

(c) an offence under section 2(1) of the [M7]Suicide Act 1961 consisting of aiding, abetting, counselling or procuring the suicide of another,

is committed for trial to the Crown Court, the appropriate officer of the Crown Court at the place where the person charged is tried shall inform the coroner of the result of the proceedings before that court.

(3) Where the Director of Public Prosecutions has under section 16(1)(b) above requested a coroner to adjourn an inquest, then, whether or not the inquest is adjourned as a result, the Director shall—

(a) inform the coroner of the result of the proceedings before the magistrates' court in the case of the person charged as mentioned in that paragraph; and

(b) if that person is committed for trial to the Crown Court, inform the coroner of the result of the proceedings before that court.

Annotations:

Amendments (Textual)

F25 Words in s. 17(1)(b) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 41**; S.I. 1992/1286, art. 2, **Sch.**

F26 Words in s. 17(1) substituted (1.4.2001) by 1999 c. 22, s. 90, **Sch. 13 para. 135** (with s. 107, Sch. 14 para. 2); S.I. 2001/916, **art. 2(a)(ii)** (with transitional provisions and savings in Sch. 2 para. 2)

F27 Words in s. 17(2)(b) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 41**; S.I. 1992/1286, art. 2, **Sch.**

Marginal Citations

M6 1961 c.60.

M7 1961 c.60.

Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to Coroners Act 1988. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

[F28 17A Adjournment of inquest in event of judicial inquiry.

(1) If on an inquest into a death the coroner is informed by the Lord Chancellor before the conclusion of the inquest that—

(a) a public inquiry conducted or chaired by a judge is being, or is to be, held into the events surrounding the death; and

(b) the Lord Chancellor considers that the cause of death is likely to be adequately investigated by the inquiry,

the coroner shall, in the absence of any exceptional reason to the contrary, adjourn the inquest and, if a jury has been summoned, may, if he thinks fit, discharge them.

(2) Where a coroner adjourns an inquest in compliance with subsection (1) above, he shall send to the registrar of deaths a certificate under his hand stating, so far as they have been ascertained at the date of the certificate, the particulars which under the 1953 Act are required to be registered concerning the death.

(3) Where a coroner has adjourned an inquest in compliance with subsection (1) above, the Lord Chancellor shall send him the findings of the public inquiry as soon as reasonably practicable after their publication.

(4) A coroner may only resume an inquest which has been adjourned in compliance with subsection (1) above if in his opinion there is exceptional reason for doing so; and he shall not do so—

(a) before the end of the period of 28 days beginning with the day on which the findings of the public inquiry are published; or

(b) if the Lord Chancellor notifies the coroner that this paragraph applies, before the end of the period of 28 days beginning with the day on which the public inquiry is concluded.

(5) Where a coroner resumes an inquest which has been adjourned in compliance with subsection (1) above—

(a) the provisions of section 8(3) above shall not apply in relation to that inquest; and

(b) if he summons a jury (but not where he resumes without a jury, or with the same jury as before the adjournment), he shall proceed in all respects as if the inquest had not previously begun and the provisions of this Act shall apply accordingly as if the resumed inquest were a fresh inquest.

(6) Where a coroner does not resume an inquest which he has adjourned in compliance with subsection (1) above, he shall (without prejudice to subsection (2) above) send to the registrar of deaths a certificate under his hand stating any findings of the public inquiry in relation to the death.]

Annotations:

Amendments (Textual)

F28 S. 17A inserted (1.1.2000) by S.I. 1999 c. 22, **s. 71(1)** (with s. 107, Sch. 14 para. 7(2)); S.I. 1999/3344, **art. 2(b)**

18 Inquests into road deaths in London.

(1) Where an accident occurs within Greater London or the City resulting in the death of a person, and it is alleged that the accident was due to—

Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to Coroners Act 1988. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

(a) the nature or character of a road or road surface; or

(b) a defect in the design or construction of a vehicle or in the materials used in the construction of a road or vehicle,

the coroner holding the inquest into the death shall send to the Secretary of State, or to such officer of his as the Secretary of State may direct, notice in writing of the time and place of holding the inquest, and of any adjourned inquest.

(2) An officer appointed by the Secretary of State for the purpose shall be at liberty at any such inquest to examine any witness, subject nevertheless to the power of the coroner to disallow any question which in his opinion is not relevant or is otherwise not a proper question.

(3) In this section "road" has the same meaning as in **[**[F29]section 182 of the [M8]Road Traffic Act 1988**]**.

Annotations:

Amendments (Textual)

F29 Words substituted by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 37(3)**

Marginal Citations

M8 1988 c.52.

Medical witnesses and post-mortem examinations etc.

19 Post-mortem examination without inquest.

(1) Where a coroner is informed that the body of a person is lying within his district and there is reasonable cause to suspect that the person has died a sudden death of which the cause is unknown, the coroner may, if he is of opinion that a post-mortem examination may prove an inquest to be unnecessary—

(a) direct any legally qualified medical practitioner whom, if an inquest were held, he would be entitled to summon as a medical witness under section 21 below; or

(b) request any other legally qualified medical practitioner,

to make a post-mortem examination of the body and to report the result of the examination to the coroner in writing.

(2) For the purposes of a post-mortem examination under this section, the coroner and any person directed or requested by him to make the examination shall have the like powers, authorities and immunities as if the examination were a post-mortem examination directed by the coroner at an inquest into the death of the deceased.

(3) Where a post-mortem examination is made under this section and the coroner is satisfied as a result of it that an inquest is unnecessary, he shall send to the registrar of deaths a certificate under his hand stating the cause of death as disclosed by the report of the person making the examination.

(4) Nothing in this section shall be construed as authorising the coroner to dispense with an inquest in any case where there is reasonable cause to suspect that the deceased—

(a) has died a violent or an unnatural death; or

***Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to Coroners Act 1988. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

(b) has died in prison or in such a place or in such circumstances as to require an inquest under any other Act.

20 Request to specially qualified person to make post-mortem and special examinations.

(1) Without prejudice to the power of a coroner holding an inquest to direct a medical witness whom he may summon under section 21 below to make a post-mortem examination of the body of the deceased, the coroner may, at any time after he has decided to hold an inquest—

(a) request any legally qualified medical practitioner to make a post-mortem examination of the body or a special examination of the body or both such examinations; or

(b) request any person whom he considers to possess special qualifications for conducting a special examination of the body to make such an examination.

(2) If any person who has made a post-mortem or special examination in pursuance of such a request is summoned by the coroner as a witness, he may be asked to give evidence as to his opinion upon any matter arising out of the examination, and as to how, in his opinion, the deceased came by his death.

(3) Where a person states upon oath before the coroner that in his belief the death of the deceased was caused partly or entirely by the improper or negligent treatment of a medical practitioner or other person, that medical practitioner or other person—

(a) shall not be allowed to perform or assist at any post-mortem or special examination made for the purposes of the inquest into the death; but

(b) shall have the right, if he so desires, to be represented at any such post-mortem examination.

(4) In this section "special examination", in relation to a body, means a special examination by way of analysis, test or otherwise of such parts or contents of the body or such other substances or things as ought in the opinion of the coroner to be submitted to analyses, tests or other examination with a view to ascertaining how the deceased came by his death.

21 Summoning of medical witnesses and direction of post-mortem examinations.

(1) In the case of an inquest into a death, the coroner may summon as a witness—

(a) any legally qualified medical practitioner appearing to him to have attended at the death of the deceased or during the last illness of the deceased; or

(b) where it appears to him that no such practitioner so attended the deceased, any legally qualified medical practitioner in actual practice in or near the place where the death occurred;

and any medical witness summoned under this section may be asked to give evidence as to how, in his opinion, the deceased came by his death.

(2) Subject to subsection (3) below, the coroner may, either in his summons for the attendance of a medical witness or at any time between the issuing of that summons and the end of the inquest, direct the medical witness to make a post-mortem examination of the body of the deceased.

(3) Where a person states upon oath before the coroner that in his belief the death of the deceased was caused partly or entirely by the improper or negligent treatment of a

Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to Coroners Act 1988. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

medical practitioner or other person, that medical practitioner or other person shall not be allowed to perform or assist at the post-mortem examination of the deceased.

(4) If, in the case of an inquest with a jury, a majority of the jury are of opinion that the cause of death has not been satisfactorily explained by the evidence of the medical practitioner or of other witnesses brought before them, they may in writing require the coroner—

(a) to summon as a witness some other legally qualified medical practitioner named by them; and

(b) to direct a post-mortem examination of the deceased to be made by a practitioner summoned under this subsection, whether or not such an examination has been previously made;

and if the coroner fails to comply with such a requisition, he shall be liable on conviction on indictment to a term of imprisonment not exceeding two years or to a fine or to both.

(5) Where a medical practitioner fails to obey a summons of a coroner issued in pursuance of this section, he shall, unless he shows a good and sufficient cause for not having obeyed the summons, be liable on summary conviction, on the prosecution of the coroner or of any two of the jury, to a fine not exceeding [[F30]£1,000].

Annotations:

Amendments (Textual)

F30 Words in s. 21(5) substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 17(3), **Sch. 4 Pt. I** (with s. 28); S.I. 1992/333, art. 2(2), **Sch. 2**.

Modifications etc. (not altering text)

C7 S. 21(5): power to amend conferred (1.10.1992) by Magistrates' Courts Act 1980 (c. 43, SIF 82), s. 143, **Sch. 6A** (as substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 17(3), **Sch. 4 Pt. IV** (with s. 28)); S.I. 1992/333, art. 2(2), **Sch. 2**.

22 Removal of body for post mortem examination.

(1) Subject to subsection (2) below, where by the direction or at the request of a coroner, a post-mortem examination of a body is to be made, the coroner may order the removal of the body to any place which may be provided for the purpose either within his district or within an adjoining district of another coroner.

(2) A coroner shall not order the removal of a body upon which a post-mortem examination is to be made to any place other than a place within his district provided by a local authority except with the consent of the person or authority by whom the place is provided.

(3) The removal of a body in pursuance of an order made by a coroner under this section to any place outside his district shall not affect his powers and duties in relation to the body or the inquest into the death nor shall it confer or impose any rights, powers or duties upon any other coroner.

(4) Where a coroner—

(a) orders under this section the removal of a body to any place outside his district; and

Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to Coroners Act 1988. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

(b) does not authorise the disposal of the body after examination,

he shall order the removal of the body after examination to a place within his district.

(5) The expenses of any removal ordered by a coroner under this section shall be defrayed as part of the expenses incurred by him in the course of his duties.

(6) In this section—

"disposal" has the same meaning as in the 1953 Act;

"local authority" means the council of a **[**[F31]district, London borough or Welsh principal area**]** or the Common Council.

Annotations:

Amendments (Textual)

F31 Words in s. 22(6) substituted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 82(6)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

23 Exhumation of body for examination.

(1) A coroner may order the exhumation of the body of a person buried within his district where it appears to him that it is necessary for the body to be examined—

(a) for the purpose of his holding an inquest into that person's death or discharging any other function of his in relation to the body or the death; or

(b) for the purposes of any criminal proceedings which have been instituted or are contemplated in respect of the death of that person or of some other person who came by his death in circumstances connected with the death of the person whose body is needed for examination.

(2) The power of a coroner under this section shall be exercisable by warrant under his hand.

(3) No body shall be ordered by a coroner to be exhumed except under this section.

Annotations:

Modifications etc. (not altering text)

C8 S. 23 modified (1.9.2001) by 2001 c. 17, **s. 35** (with ss. 27(3), 39, 78); S.I. 2001/2161, **art. 2**

Expenses and returns of inquests

24 Fees and allowances payable on holding inquest.

(1) The fees and allowances which may be lawfully paid by coroners—

(a) to witnesses and persons summoned to attend as witnesses; and

(b) to medical practitioners making post-mortem examinations by the coroner's direction or at the coroner's request,

shall be such as may be determined by the Secretary of State with the consent of the Treasury; but nothing in this subsection shall apply in relation to the fees payable in respect of a special examination under section 20 above.

Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to Coroners Act 1988. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

(2) A relevant council—

(a) may from time to time make a schedule of the fees, allowances and disbursements which may be lawfully paid or made by a coroner in the course of his duties, other than fees and allowances to which subsection (1) above applies;

(b) may at any time vary a schedule so made; and

(c) shall cause a copy of every schedule so made or so varied to be sent to every coroner concerned.

(3) The Secretary of State may by rules made by statutory instrument prescribe—

(a) the fees payable to coroners or other persons for furnishing copies of inquisitions, depositions or other documents in their custody relating to an inquest; and

(b) where in the opinion of the Secretary of State adequate provision is not made for them by a schedule under subsection (2) above, the fees, allowances and disbursements which may be lawfully paid or made by a coroner in the course of his duties, other than fees and allowances to which subsection (1) above applies.

25 Payments to jurors.

(1) A person who serves as a juror in a coroner's court shall be entitled, in respect of his attendance at court for the purpose of performing jury service, to receive payments, at the rates determined by the Secretary of State with the consent of the Treasury and subject to any prescribed conditions, by way of allowance—

(a) for travelling and subsistence; and

(b) for financial loss where in consequence of his attendance for that purpose—

(i) he has incurred any expenditure (otherwise than on travelling and subsistence) to which he would not otherwise be subject; or

(ii) he has suffered any loss of earnings which he would otherwise have made or any loss of benefit under the enactments relating to national insurance and social security which he would otherwise have received.

(2) The amount due to any person in respect of such service shall be ascertained and paid over to him by the coroner.

(3) For the purposes of this section a person who, in obedience to a summons to serve on a jury, attends for service as a juror shall be deemed to serve as a juror notwithstanding that he is not subsequently sworn.

(4) In this section "prescribed" means prescribed by regulations made by statutory instrument by the Secretary of State with the consent of the Treasury.

26 Payment of expenses by coroner.

(1) A coroner holding an inquest shall, immediately after the termination of the proceedings, pay—

(a) the fees of every medical witness;

(b) the allowance of every juror; and

(c) all expenses reasonably incurred in and about the holding of the inquest,

***Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to Coroners Act 1988. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

not exceeding the fees, allowances and disbursements which may be lawfully paid or made under this Act.

(2) Any fees, allowances or disbursements so paid or made shall be repaid to the coroner in manner provided by this Act.

27 Accounts to be laid before relevant council.

(1) Every coroner shall within four months after paying or making any fees, allowances or disbursements in accordance with the provisions of this Act, cause a full and true account of all fees, allowances and disbursements so paid or made by him under this Act to be laid before the relevant council.

(2) Every account under this section shall be accompanied by such vouchers as under the circumstances may to the relevant council seem reasonable; and the relevant council may, if they think fit, examine the coroner on oath as to any such account.

(3) On being satisfied of the correctness of any such account, the relevant council shall order their treasurer to pay to the coroner the sum due; and the treasurer shall without any abatement or deduction pay that sum—

(a) in the case of a metropolitan district or London borough council, out of the general . . . [F32]fund;

[[F33](aa) in the case of a non-metropolitan district council, out of the general fund**]**

(b) in the case of a non-metropolitan county council **[**[F34]in England**]**, out of the county fund;

[[F35](bb) in the case of the council of a Welsh principal area, out of the council fund;**]** and

(c) in the case of the Common Council, out of the **[**[F36]city fund**]**,

and shall be allowed that sum on passing his accounts.

(4) In the case of a coroner for a coroner's **[**[F37]district—

(a) consisting of two or more metropolitan districts **[**[F38], special non-metropolitan districts**]** or London boroughs, or

(b) which lies partly in each of two or more Welsh principal areas, **[**[F39]or

(c) which lies partly in each of two or more non-metropolitan counties in England,**]**

the expenses of the councils of those districts, boroughs **[**[F40]areas or counties**]]** in respect of the coroner's service shall be apportioned between those councils in such manner as they may agree or, in default of agreement, as may be determined by the Secretary of State.

Annotations:

Amendments (Textual)

F32 Word repealed by S.I. 1990/1285, art. 2, **Sch. Pt. I para. 9(a)**

F33 S. 27(3)(aa) inserted (1.4.1996) by S.I. 1996/655, **regs. 1**, 2(6)

F34 Words in s. 27(3)(b) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 82(7)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

F35 S. 27(3)(bb) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 82(7)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1),23(2)); S.I. 1996/396, art. 4, **Sch. 2**

F36 Words substituted by S.I. 1990/1285, art. 2, **Sch. Pt. I para. 9(b)**

Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to Coroners Act 1988. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

F37 Words in s. 27(4) substituted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 82(8)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

F38 Words in s. 27(4)(a) inserted (1.4.1998) by S.I. 1998/465, **regs. 1(2)**, 2(9)

F39 S. 27(4)(c) and the word preceding it inserted (1.4.1996) by S.I. 1996/655, **regs. 1**, 2(7)(a)

F40 Words in s. 27(4) substituted (1.4.1996) by S.I. 1996/655, **regs. 1**, 2(7)(b)

[F41 27A Indemnity.

(1) A coroner shall be indemnified by the relevant council (without having to lay before them an account under section 27 above) in respect of—

(a) any costs which he reasonably incurs in or in connection with proceedings in respect of anything done or omitted in the exercise (or purported exercise) of his duty as a coroner;

(b) any costs which he reasonably incurs in taking steps to dispute any claim which might be made in such proceedings;

(c) any damages awarded against him or costs ordered to be paid by him in any such proceedings; and

(d) any sums payable by him in connection with a reasonable settlement of any such proceedings or claim.

(2) Subsection (1) above applies in relation to proceedings by a coroner only if and to the extent that the relevant council agrees in advance to indemnify him.

(3) A coroner may appeal to the Secretary of State, or to any person appointed by the Secretary of State for the purpose, from any decision of the relevant council under subsection (2) above.

(4) Any amount due to a coroner under this section shall be paid—

(a) in the case of a metropolitan or non-metropolitan district council or London borough council, out of the general fund;

(b) in the case of a non-metropolitan county council in England, out of the county fund;

(c) in the case of the council of a Welsh principal area, out of the council fund; and

(d) in the case of the Common Council, out of the City fund.

(5) In the case of a coroner for a coroner's district which—

(a) consists of two or more metropolitan districts, special non-metropolitan districts or London boroughs;

(b) lies partly in each of two or more Welsh principal areas; or

(c) lies partly in each of two or more non-metropolitan counties in England,

any amount due to the coroner under this section shall be apportioned between the councils of those districts, boroughs, areas or counties in such manner as they may agree or, in default of agreement, as may be determined by the Secretary of State.**]**

Annotations:

Amendments (Textual)

F41 S. 27A inserted (27.9.1999) by 1999 c. 22, **ss. 104**, 108(3)(d) (with s. 107, Sch. 14 para. 2)

Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to Coroners Act 1988. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

28 Annual returns to be made to Secretary of State.

(1) Every coroner shall on or before 1st February in every year furnish to the Secretary of State a return in writing, in such form and containing such particulars as the Secretary of State may direct, of all cases in which an inquest has been held by him, or by some other person acting for him, during the year ending on the immediately preceding 31st December.

(2) Every coroner shall also, as and when required by the Secretary of State, furnish to the Secretary of State returns in relation to inquests held and deaths inquired into by him in such form and containing such particulars as the Secretary of State may direct.

Miscellaneous

29 Coroner of the Queen's household.

(1) The coroner of the Queen's household shall continue to be appointed by the Lord Steward for the time being of the Queen's household.

(2) The coroner of the Queen's household shall have exclusive jurisdiction in respect of inquests into the deaths of persons whose bodies are lying—
   (a) within the limits of any of the Queen's palaces; or
   (b) within the limits of any other house where Her Majesty is then residing.

(3) The limits of any such palace or house shall be deemed to extend to any courts, gardens or other places within the curtilage of the palace or house but not further; and where a body is lying in any place beyond those limits, the coroner within whose district the body is lying, and not the coroner for the Queen's household, shall have jurisdiction to hold an inquest into the death.

(4) The jurors on an inquest held by the coroner of the Queen's household shall consist of officers of that household, to be returned by such officer of the Queen's household as may be directed to summon the jurors by the warrant of the coroner.

(5) All inquisitions, depositions and recognizances shall be delivered to the Lord Steward of the Queen's household to be filed among the records of his office.

(6) The coroner of the Queen's household—
   (a) shall make his declaration of office before the Lord Steward of the Queen's household; and
   (b) shall reside in one of the Queen's palaces or in such other convenient place as may from time to time be allowed by the Lord Steward of the Queen's household.

(7) The provisions of Schedule 2 to this Act shall have effect with respect to the application of this Act and the law relating to coroners to the coroner of the Queen's household.

30 Treasure trove.

A coroner shall continue to have jurisdiction—
   (a) to inquire into any treasure which is found in his district; and
   (b) to inquire who were, or are suspected of being, the finders;

Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to Coroners Act 1988. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

and the provisions of this Act shall, so far as applicable, apply to every such inquest.

Annotations:

Modifications etc. (not altering text)

C9 S. 30 extended (24.9.1997) by 1996 c. 24, **s. 7(1)**; S.I. 1997/1977, **art. 2**

C10 S. 30 excluded (24.9.1997) by 1996 c. 24, **s. 7(2)**; S.I. 1997/1977,art.2

31 Provision of accommodation.

[[F42]The council (whether or not a relevant council) of any of the following, that is to say—

(a) a metropolitan district,

[[F43](aa) a special non-metropolitan district,**]**

(b) a London borough,

(c) a Welsh principal area, or

(d) in the case of such a coroner's district as is mentioned in section 1(1)(b) above, a non-metropolitan county the whole or part of which is included in that coroner's district.**]**

may provide and maintain proper accommodation for the holding of inquests in their area.

Annotations:

Amendments (Textual)

F42 Words in s. 31 substituted (1.4.1996) by S.I. 1996/655, **reg. 2(8)**

F43 S. 31(aa) inserted (1.4.1998) by S.I. 1998/465, **reg. 2(10)**

Supplemental

32 Power to make rules.

(1) The Lord Chancellor may, with the concurrence of the Secretary of State, make rules for regulating the practice and procedure at or in connection with inquests and post-mortem examinations and, in particular (without prejudice to the generality of the foregoing provision), such rules may provide—

(a) as to the procedure at inquests held without a jury;

(b) as to the issue by coroners of orders authorising burials;

(c) for empowering a coroner or his deputy or assistant deputy to alter the date fixed for the holding of any adjourned inquest within the district of the coroner;

(d) as to the procedure to be followed where a coroner decides not to resume an adjourned inquest; and

(e) as to the notices to be given, and as to the variation or discharge of any recognisances entered into by jurors or witnesses, where the date fixed for an adjourned inquest is altered or where a coroner decides not to resume an adjourned inquest.

Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to Coroners Act 1988. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

(2) Without prejudice to the generality of subsection (1) above, rules under this section may make provision for persons to be excused service as jurors at inquests in such circumstances as the rules may specify.

(3) The power of the Lord Chancellor under this section to make rules with respect to any matter shall include power—

(a) to prescribe the forms to be used in connection with that matter;

(b) to revoke or amend, or substitute new forms for, any forms which are directed or authorised by or under any enactment to be used in connection with that matter.

(4) The power to make rules under this section shall be exercisable by statutory instrument.

33 Savings for ex-officio coroners and judicial powers.

(1) Nothing in this Act shall prejudice or affect the jurisdiction of a judge exercising the jurisdiction of a coroner by virtue of his office.

(2) Nothing in this Act shall prejudice or affect—

(a) the jurisdiction of the Lord Chancellor or the High Court in relation to the removal of a coroner otherwise than in the manner provided by this Act; or

(b) the jurisdiction of the High Court in relation to or over a coroner or his duties.

34 Application of Act to Isles of Scilly.

(1) Subject to subsection (2) below, this Act shall apply in relation to the Isles of Scilly as if those Isles were a non-metropolitan county and the Council of those Isles were the council of that county.

(2) The power conferred on the Secretary of State by section 265 of the [M9]Local Government Act 1972 (application of that Act to the Isles of Scilly) shall include power to make an order providing for regulating the application of this Act to those Isles otherwise than as mentioned in subsection (1) above and such an order may amend or repeal that subsection accordingly.

Annotations:

Marginal Citations

M9 1972 c.70.

35 Interpretation.

(1) In this Act, unless the context otherwise requires—

"the 1953 Act" means the [M10]Births and Deaths Registration Act 1953;

"administrative area" means **[**[F44], subject to subsection (1B) below,**]**[F45]Wales,**]** a metropolitan or non-metropolitan county **[**[F45]in England**]** or Greater London;

"the Common Council" means the Common Council of the City of London and "common councillor" shall be construed accordingly;

Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to Coroners Act 1988. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

"the City" means the City of London (including the Inner Temple and the Middle Temple);

"Greater London" does not include the City;

"relevant council" has the meaning given by **[**[F46]section 1(1A)**]** above.

["Welsh principal area" means Welsh county or county borough**]**

[[F47](1A) In this Act any reference to a council of a non-metropolitan county includes in relation to an area for which there is a district council but no county council a reference to a district council, and any reference to a councillor of a non-metropolitan county shall be construed accordingly.

(1B) In the application of sections 4(5), 5(3) and 13(2) above to a non-metropolitan county part of which is included in such a coroner's district as is mentioned in section 1(1)(b) above, any reference in those provisions to an administrative area shall be construed as a reference to so much of that county as is not so included.**]**

(2) In this Act references to an inquest held with a jury include, and references to an inquest held without a jury do not include, references to an inquest part of which is held with a jury.

Annotations:

Amendments (Textual)

F44 Words in s. 35(1) inserted (1.4.1996) by S.I. 1996/655, **regs. 1**, 2(9)(a)

F45 Words in s. 35(1) inserted (1.4.1996) by 1994 c. 19, ss. 66(6), **Sch. 16 para. 82(10)** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S. I. 1996/396, art. 4, Sch.2

F46 Words in S. 35(1) substituted (1.4.1996) by S.I. 1996/655, **regs. 1**, 2(9)(b)

F47 S. 35(1A)(1B) inserted (1.4.1996) by S.I. 1996/655, **regs. 1**, 2(10)

Marginal Citations

M10 1953 c.20.

36 Consequential amendments, repeals, transitional provisions and savings.

(1) The enactments mentioned in Schedule 3 to this Act shall have effect subject to the amendments there specified, being amendments consequential on the provisions of this Act.

(2) The enactments and instruments mentioned in Schedule 4 to this Act (which include some that are spent) are hereby repealed to the extent specified in the third column of that Schedule.

(3) Where any period of time specified in an enactment repealed by this Act is current at the commencement of this Act, this Act shall have effect as if the corresponding provision of this Act had been in force when that period began to run.

(4) Notwithstanding the repeal by this Act of section 13 of the [M11]Local Government Act 1985—

(a) any coroner holding office immediately before 1st April 1986 and assigned to a coroner's district in a metropolitan county or in Greater London shall be deemed to have been duly appointed by the relevant council; and

Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to Coroners Act 1988. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

(b) any orders made under section 12 of the [M12]Coroners (Amendment) Act 1926 and in force immediately before that date shall, so far as they affect a metropolitan county or Greater London, have effect as if made under section 4(1) above.

(5) Notwithstanding the repeal by this Act of the [M13]Coroners Act 1887, anything mentioned in subsection (5) of section 45 of that Act which, immediately before the commencement of this Act, was in force by virtue of that subsection shall, except so far as it is inconsistent with this Act, remain in force.

(6) Nothing in this section shall be taken as prejudicing the operation of sections 15 to 17 of the [M14]Interpretation Act 1978 (which relate to the effect of repeals).

Annotations:

Marginal Citations

M11 1985 c.51.
M12 1926 c.59.
M13 1887 c.71.
M14 1978 c.30.

37 Short title, commencement and extent.

(1) This Act may be cited as the Coroners Act 1988.

(2) This Act shall come into force at the end of the period of two months beginning with the day on which it is passed.

(3) This Act extends to England and Wales only.

Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to Coroners Act 1988. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

SCHEDULES

SCHEDULE 1

Section 3(1).

SALARIES AND PENSIONS

Coroners' salaries

1 (1) Subject to the provisions of this paragraph, a coroner shall be paid by the relevant council an annual salary at such rate as may be fixed by agreement between the coroner and that council.

(2) If at any time a coroner and the relevant council cannot agree with respect to any proposed alteration of the rate of his salary—

(a) the Secretary of State may, on the application of either party, fix the rate of that salary at such rate as he thinks proper; and

(b) subject to sub-paragraph (4) below, the rate so fixed shall come into force as from such date as he may determine.

(3) In fixing the rate of the salary payable to a coroner under this paragraph, regard shall be had to the nature and extent of his duties and to all the circumstances of the case.

(4) A date determined under sub-paragraph (2) above shall be not less than three years from the date when the rate of the coroner's salary as last fixed came into force, unless in the opinion of the Secretary of State the coroner's district has in the meantime been materially altered.

Coroners' pensions

2 (1) On the retirement, after not less than five years' service, of a coroner—

(a) who held office as a coroner immediately before 6th April 1978; and

(b) who did not elect in accordance with article 3(b) of the [M15]Social Security (Modification of Coroners (Amendment) Act 1926) Order 1978 that the provisions of the [M16]Coroners (Amendment) Act 1926 relating to pensions should not apply to him,

(that is to say, a coroner who is not a pensionable employee for the purposes of the [M17]Local Government Superannuation Regulations 1986) the relevant council may, if either of the conditions mentioned in sub-paragraph (2) below is satisfied, grant to him a pension of such amount as may be agreed between him and the council not exceeding the scale contained in paragraph 3 below.

(2) The said conditions are—

(a) that the coroner has attained the age of sixty five years;

(b) that the relevant council is satisfied by means of a medical certificate that the coroner is incapable of discharging his duties whether on mental or physical grounds and that such incapacity is likely to be permanent.

(3) A coroner to whom this paragraph applies—

Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to Coroners Act 1988. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

(a) shall, at any time after he has completed fifteen years' service and has attained the age of sixty-five years, vacate his office if required to do so by the relevant council; but

(b) shall, in that case and in the absence of any agreement to the contrary, be entitled to receive the maximum pension which the council is empowered to grant him under this paragraph having regard to the length of his service.

(4) A pension payable to a coroner under this paragraph shall be reduced by the amount of any additional component of his retirement pension (within the meaning of section 6(1)(b) of the [M18]Social Security Pensions Act 1975) which is payable to him.

(5) In this paragraph "service" means service, whether before or after the commencement of this Act, as a coroner in the same administrative area; and for this purpose "administrative area" includes the City.

(6) Notwithstanding the reproduction of article 3 of the [M19]Social Security (Modification of Coroners (Amendment) Act 1926) Order 1978 as paragraphs (a) and (b) of sub-paragraph (1) above and of article 4 of that Order as sub-paragraph (4) above—

(a) those provisions may be amended or repealed; and

(b) any question as to the validity of those provisions may be determined,

as though they were contained in an order made under section 65 of the [M20]Social Security Act 1973.

Annotations:

Marginal Citations

M15 S.I. 1978/374.
M16 1926 c.59.
M17 S.I. 1986/24.
M18 1975 c.60.
M19 S.I. 1978/374.
M20 1973 c.38.

Scale of pensions

3 (1) An annual pension not exceeding ten sixtieths of the last annual salary may be granted after the completion of five years' service.

(2) Where the completed service exceeds five years, there may be granted an annual pension not exceeding the aggregate of—

(a) ten-sixtieths of the last annual salary; and

(b) an amount not exceeding one-fortieth of that salary for each completed year's service after five years,

so however that no such pension shall be of an amount exceeding two-thirds of that salary.

(3) For the purposes of this paragraph the last annual salary of a coroner shall be taken to be the salary paid to him in his last completed year of service as coroner, after deducting so much (if any) of that salary as was paid to him with a view to his providing at his own expense for any necessary expenditure in connection with his duties as coroner.

Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to Coroners Act 1988. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

(4) If any dispute arises as to the amount to be deducted under sub-paragraph (3) above in computing the last annual salary of a coroner, the dispute shall be referred to the Secretary of State, whose decision shall be final.

Payment of salaries and pensions

4 The salary of a coroner and any pension payable to a person in respect of his service as coroner shall be deemed to accrue from day to day and, in the absence of agreement to the contrary, shall be payable quarterly.

SCHEDULE 2

Section 29(7).

CORONER OF THE QUEEN'S HOUSEHOLD

1 Sections 1 to 5 of this Act (except subsections (4) to (6) of section 3), sections 6 and 7 of this Act so far as relating to the appointment and functions of assistant deputy coroners and Schedule 1 to this Act shall not apply to the coroner of the Queen's household.

2 Sections 6 and 7 of this Act, so far as relating to the appointment and functions of deputy coroners, shall apply with the necessary modifications to the coroner of the Queen's household as they apply to other coroners and, in particular, with the following modifications, namely—

(a) that the appointment of a deputy to the coroner of the Queen's household shall be subject to the approval of the Lord Steward of the Queen's household; and

(b) that copies of such appointments shall be sent to and kept by him.

3 Sections 9 and 32(2) of this Act shall not apply in relation to any inquest held by the coroner of the Queen's household.

4 Section 25 of this Act shall not apply in relation to service on a jury on an inquest held by the coroner of the Queen's household but that shall not affect any entitlement to payment that might otherwise be enjoyed by a juror for service on such a jury.

5 Subject to the provisions of this Schedule and section 29 of this Act, the coroner of the Queen's household shall, within the limits laid down in subsection (3) of that section—

(a) have the same jurisdiction and powers; and

(b) be subject to the same obligations, liabilities and disqualifications; and

(c) generally be subject to the provisions of this Act and the law relating to coroners in the same manner,

as any other coroner.

Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to Coroners Act 1988. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

SCHEDULE 3

Section 36(1).

CONSEQUENTIAL AMENDMENTS

The City of London Municipal Elections Act 1849 (c.xciv)

1 Immediately before section 9 of the City of London Municipal Elections Act 1849 there shall be inserted the following section—

"**8A Disqualification by reason of being City coroner.**

A person shall, so long as he is a coroner or deputy coroner for the City of London, be disqualified for being elected to or holding any of the following offices in the City, namely, Lord Mayor, alderman and common councilman."

The Cremation Act 1902 (c.8)

2 In section 10 of the Cremation Act 1902, for the words "the Coroners Act 1887, or any Act amending the same" there shall be substituted the words " the Coroners Act 1988".

The Births and Deaths Registration Act 1953 (c.20)

3 In section 22(3) of the 1953 Act, for the words from the beginning to "1926" there shall be substituted the words " Except where an inquest is held into the death of the deceased person or a post-mortem examination of his body is made under section 19 of the Coroners Act 1988".

4 (1) Subsection (1) of section 23 of the 1953 Act shall cease to have effect.

(2) In subsection (2) of that section, for the words "On receiving a certificate under the foregoing subsection" there shall be substituted the words "Where an inquest is held into a death and the registrar receives under section 11(7) of the Coroners Act 1988 a certificate under the coroner's hand—

(a) giving information concerning the death; and

(b) specifying the finding with respect to the particulars required to be registered concerning the death and with respect to the cause of death,".

(3) After that subsection there shall be inserted the following subsection—

"(2A) Where an inquest into a death is adjourned under section 16 of the Coroners Act 1988 and the registrar receives from the coroner under subsection (4) of that section a certificate under his hand stating, so far as they have been ascertained at the date of the certificate, the particulars required to be registered concerning the death, the registrar shall in the prescribed form and manner register the death and the particulars."

(4) In subsection (3) of that section, for the words from the beginning to "examination, and" there shall be substituted the words " Where a post-mortem examination is made of a body under section 19 of the Coroners Act 1988 and the registrar receives from the coroner under subsection (3) of that section a certificate under his hand stating the cause of death as disclosed by the report of the person making the examination,".

Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to Coroners Act 1988. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

5 In section 29(4)(b) of that Act, for the words "section 20(4) of the Coroners (Amendment) Act 1926" there shall be substituted the words " section 16(4) of the Coroners Act 1988" and for the words "section 20(1)" there shall be substituted the words " section 16(1)".

The Army Act 1955 (c.18)

6 In section 128(2) of the Army Act 1955, for the words "The Coroners Acts 1887 to 1926" there shall be substituted the words " The Coroners Act 1988".

7 In section 214(4) of that Act, for the words "the Coroners Acts 1887 to 1926" there shall be substituted the words " the Coroners Act 1988".

8 In section 215(5) of that Act, for the words "the Coroners Acts 1887 to 1926" there shall be substituted the words " the Coroners Act 1988".

The Air Force Act 1955 (c.19)

9 In section 128(2) of the Air Force Act 1955, for the words "The Coroners Acts 1887 to 1926" there shall be substituted the words " The Coroners Act 1988".

10 In section 212(5) of that Act, for the words "the Coroners Acts 1887 to 1926" there shall be substituted the words " the Coroners Act 1988".

11 In section 213(5) of that Act, for the words "the Coroners Acts 1887 to 1926" there shall be substituted the words " the Coroners Act 1988".

The Naval Discipline Act 1957 (c.53)

12 In section 82(1) of the Naval Discipline Act 1957, for the words "the Coroners Acts 1887 to 1926" there shall be substituted the words " the Coroners Act 1988".

13 In section 123(5) of that Act, for the words "the Coroners Acts 1887 to 1926" there shall be substituted the words " the Coroners Act 1988".

14 . . . . . [F48]

Annotations:

Amendments (Textual)

F48 Sch. 3 para. 14 repealed by Criminal Justice Act 1988 (c. 33, SIF 39:1), ss. 123(6), 170(2), Sch. 8 para. 16, **Sch. 16**

The Pensions (Increase) Act 1971 (c.56)

15 In paragraph 61 of Schedule 2 to the Pensions (Increase) Act 1971, for the words "section 6 of the Coroners (Amendment) Act 1926 (county and borough coroners)" there shall be substituted the words " paragraph 2 of Schedule 1 to the Coroners Act 1988".

***Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to Coroners Act 1988. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

The Juries Act 1974 (c.23)

16 (1) In subsection (2) of section 19 of the Juries Act 1974, for the words "the Coroners Act 1887, as amended by this Act" there shall be substituted the words " the Coroners Act 1988".

(2) In subsection (5) of that section for the words "the Coroners Act 1887" there shall be substituted the words " the Coroners Act 1988".

The Magistrates' Courts Act 1980 (c.43)

17 At the end of Schedule 6A to the Magistrates' Courts Act 1980 there shall be added the following entry—

"CORONERS ACT 1988 (c.13)

Sections 10(1) and (2) and 21(5) (refusal to give evidence etc.). £400".

The Local Government Act 1985 (c.51)

18 In section 60(4) of the Local Government Act 1985, for the words "section 6 of the Coroners (Amendment) Act 1926" there shall be substituted the words " paragraph 2 of Schedule 1 to the Coroners Act 1988".

SCHEDULE 4 Section 36(2).

REPEALS

Chapter	Short title	Extent of repeal
7 & 8 Vict. c.92.	The Coroners Act 1844.	The whole Act.
36 & 37 Vict. c.76.	The Railway Regulation Act (Returns of Signal Arrangements, Workings &c.) 1873.	The whole Act.
45 & 46 Vict. c.50.	The Municipal Corporations Act 1882.	Section 248(2).
		Section 255.
50 & 51 Vict. c.71.	The Coroners Act 1887.	The whole Act.
55 & 56 Vict. c. 56.	The Coroners Act 1892.	The whole Act.
16 & 17 Geo.5 c.59.	The Coroners (Amendment) Act 1926.	The whole Act.
1 & 2 Eliz.2 c.20.	The Births and Deaths Registration Act 1953.	Section 23(1).
2 & 3 Eliz.2 c.31.	The Coroners Act 1954.	The whole Act.
1967 c.80.	The Criminal Justice Act 1967.	In Schedule 6, paragraph 3.

Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to Coroners Act 1988. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

1972 c.20.	The Road Traffic Act 1972.	Section 28.
1972 c.70.	The Local Government Act 1972.	Section 220.
1974 c.23.	The Juries Act 1974.	Schedule 2.
1974 c.37.	The Health and Safety at Work etc. Act 1974.	In Schedule 9, paragraph 1.
1977 c.38.	The Administration of Justice Act 1977.	In Schedule 2, paragraph 1.
1977 c.45.	The Criminal Law Act 1977.	Section 56. Schedule 10.
S.I. 1978/374.	The Social Security (Modification of Coroners (Amendment) Act 1926) Order 1978.	The whole Order.
S.I. 1978/1844.	The Isles of Scilly Order 1978.	In the Schedule, the entry relating to section 220 of the Local Government Act 1972.
1980 c.38.	The Coroners Act 1980.	The whole Act.
1980 c.43.	The Magistrates' Courts Act 1980.	In Schedule 6A, the entry relating to the Coroners Act 1887.
1982 c.53.	The Administration of Justice Act 1982.	Section 62.
1983 c.31.	The Coroners' Juries Act 1983.	The whole Act.
1985 c.51.	The Local Government Act 1985.	Section 13.

Changes to legislation:
There are outstanding changes not yet made by the legislation.gov.uk editorial team to Coroners Act 1988. Any changes that have already been made by the team appear in the content and are referenced with annotations.

Changes and effects yet to be applied to :

- s. 1(1)(b) words inserted by 2007 c. 28 Sch. 1 para. 15(a)
- s. 1(1A)(e) words added by 2003 c. 10 Sch. para. 2
- s. 1(1A)(e) words repealed by 2009 c. 20 Sch. 7 Pt. 4
- s. 1(1A)(e) words substituted by 2007 c. 28 Sch. 1 para. 15(b)
- s. 8(7) added by 2006 c. 52 Sch. 16 para. 110
- s. 8(7) modified by S.I. 2009/1059 Sch. 1 para. 29
- s. 9(2) repealed by 2003 c. 44 Sch. 37 Pt. 10
- s. 11(6) words inserted by 2007 c. 19 Sch. 2 para. 1(2)(a)
- s. 16(1)(a) word repealed by 2004 c. 28 Sch. 11
- s. 16(1)(a) words substituted by 2003 c. 39 Sch. 8 para. 302(a)
- s. 16(1)(a)(i) words inserted by 2007 c. 19 Sch. 2 para. 1(2)(b)
- s. 16(1)(a)(ii) words inserted by 2006 c. 49 s. 20(5)(a)
- s. 16(1)(a)(ii) words inserted by 2006 c. 49 s. 20(5)(b)
- s. 16(1)(a)(ii) words inserted by 2006 c. 49 s. 21(4)(a)
- s. 16(1)(a)(ii) words inserted by 2006 c. 49 s. 21(4)(b)
- s. 16(1)(a)(iii) modified (temp.) by 2009 c. 25 Sch. 22 para. 9(a)
- s. 16(1)(a)(iv) inserted by 2004 c. 28 Sch. 10 para. 26
- s. 16(1)(a)(iv) words substituted by 2012 c. 4 Sch. para. 2(2)
- s. 16(1)(b) words substituted by 2003 c. 44 Sch. 3 para. 59(2)(a)
- s. 16(8) substituted by 2003 c. 44 Sch. 3 para. 59(2)(b)
- s. 17(1) word repealed by 2004 c. 28 Sch. 11
- s. 17(1) words substituted by 2003 c. 39 Sch. 8 para. 302(b)
- s. 17(1)(a) words inserted by 2007 c. 19 Sch. 2 para. 1(2)(c)
- s. 17(1)(b) words inserted by 2006 c. 49 s. 20(5)(a)
- s. 17(1)(b) words inserted by 2006 c. 49 s. 20(5)(b)
- s. 17(1)(b) words inserted by 2006 c. 49 s. 21(4)(a)
- s. 17(1)(b) words inserted by 2006 c. 49 s. 21(4)(b)
- s. 17(1)(c) modified (temp.) by 2009 c. 25 Sch. 22 para. 9(b)
- s. 17(1)(d) and word inserted by 2004 c. 28 Sch. 10 para. 27
- s. 17(1)(d) words substituted by 2012 c. 4 Sch. para. 2(3)
- s. 17(2) word repealed by 2004 c. 28 Sch. 11
- s. 17(2) word substituted by 2003 c. 44 Sch. 3 para. 59(3)(a)
- s. 17(2)(a) words inserted by 2007 c. 19 Sch. 2 para. 1(2)(c)
- s. 17(2)(b) words inserted by 2006 c. 49 s. 20(5)(a)
- s. 17(2)(b) words inserted by 2006 c. 49 s. 20(5)(b)
- s. 17(2)(b) words inserted by 2006 c. 49 s. 21(4)(a)
- s. 17(2)(b) words inserted by 2006 c. 49 s. 21(4)(b)
- s. 17(2)(c) modified (temp.) by 2009 c. 25 Sch. 22 para. 9(c)
- s. 17(2)(d) and word inserted by 2004 c. 28 Sch. 10 para. 27
- s. 17(2)(d) words substituted by 2012 c. 4 Sch. para. 2(3)
- s. 17(3)(b) word substituted by 2003 c. 44 Sch. 3 para. 59(3)(b)
- s. 19(1A) inserted by 2004 c. 30 Sch. 6 para. 3(2)
- s. 19(4)(b) words inserted by 2006 c. 52 Sch. 16 para. 111
- s. 21(4A) inserted by 2004 c. 30 Sch. 6 para. 3(3)
- s. 35(1) words inserted by 2007 c. 19 Sch. 2 para. 1(3)

Changes and effects yet to be applied to the whole Act, associated Parts and Chapters:

– Act repealed by 2009 c. 25 Sch. 23 Pt. 1

Commencement Orders yet to be applied to the Coroners Act 1988:
Commencement Orders bringing legislation that affects this Act into force:

– S.I. 2004/829 art. 2-4 commences (2003 c. 44)
– S.I. 2005/579 art. 2 3 commences (2004 c. 28)
– S.I. 2005/910 art. 3(y) commences (2003 c. 39)
– S.I. 2005/1267 art. 2 Sch. commences (2003 c. 44)
– S.I. 2006/1014 art. 2(a) Sch. 1 para. 7 commences (2005 c. 4)
– S.I. 2006/1997 art. 3(2) commences (2004 c. 30)
– S.I. 2007/3136 art. 2 commences (2007 c. 28)
– S.I. 2008/401 art. 2 commences (2007 c. 19)
– S.I. 2008/1918 art. 2 commences (2006 c. 49)
– S.I. 2009/812 art. 3(a)(b) commences (2006 c. 52)
– S.I. 2009/1059 Order transitional provisions for effects of commencing SI 2009/812
– S.I. 2009/1167 art. 3 4 commences (2006 c. 52)
– S.I. 2009/3318 art. 2-4 commences (2009 c. 20)
– S.I. 2010/145 art. 2 Sch. commences (2009 c. 25)
– S.I. 2012/1432 art. 2 commences (2012 c. 4)